

**TENNESSEE  
PRIVATE PROBATION SERVICES COUNCIL  
MINUTES**

**DATE:** June 5, 2009

**PLACE:** 2<sup>nd</sup> Floor Conference Room- Andrew Johnson Tower  
710 James Robertson Parkway  
Nashville, Tennessee

**PRESENT:** Board Members:  
Judge Chris Craft, Chairman  
Judge J. Klyne Lauderbach  
Dena McCollough  
Judge Hugh Harvey  
Judy Harvey

**PRESENT:** Staff Members:  
Donna Hancock, Interim Director  
Adrian Chick, Staff Attorney  
Judy Elmore, Administrative Assistant

**GUESTS:** Mike Mashburn  
Tammy Hardy

**CALL TO ORDER:**

Chairman Craft called the meeting to order and the following business was transacted:

Director Donna Hancock called the roll.

**MINUTES:**

**MOTION** was made by Judge J. Klyne Lauderback and seconded by Judy Harvey to *approve the minutes of December 5, 2008 meeting as presented.*

**MOTION CARRIED.**

**Appearance**

**Tammy Hardy**

Ms. Hardy is appealing the Council's denial of her request to substitute her experience for the degree. Mike Mashburn, CEO of the probation office where Ms. Hardy has applied to become a probation officer, stated that he initiated a training program, where he personally supervises, to teach Ms. Hardy the proper counseling experience in what the courts require and what is needed to be approved as a probation office.

**MOTION** was made by Judge J. Klyne Lauderback to approve Tammy Hardy as a probation officer.

**MOTION FAILED FOR LACK OF SECOND.**

**No other motion made regarding Ms. Hardy, she was not approved.**

### **APPROVAL OF PRIVATE PROBATION COMPANY**

#### **Washington County Probation Agency, LLC**

Washington County Probation Agency, LLC submitted an application to become a private probation agency. Issues were discussed regarding the CEO's Degree and experience and the bond not having an expiration date. The Council also received an email from the Johnson City Press regarding the CEO of the company being indicted on charges of rape and sexual battery of a client. The press release indicated the probation office was already doing business as a probation office.

**MOTION** was made by Judge Chris Craft and seconded by Judge Hugh Harvey to deny the application and request the CEO to appear before the Council upon completion of the application.

**MOTION CARRIED**

**MOTION** was made by Dena McCollough and seconded by Judy Harvey to issue a cease and desist order for operating an unlicensed agency.

Judge Chris Craft asked that a letter be sent to all the General Session Judges in the state stating that it is illegal to assign cases to unlicensed private probation entities. He also stated he would be glad to sign the letter and that he would send Director Hancock a list of contacts at the Administrative Offices of the Courts in order to get the names and addresses of the Judges.

### **ADMINISTRATIVE ISSUES-----DONNA HANCOCK**

Director Hancock stated there were no open complaints to present.

She then presented the Council with the budget ending the fiscal year 2007-2008 and explained the report to the Council members.

### **LEGAL REPORT---ADRIAN CHICK, STAFF ATTORNEY**

Attorney Chick did not have any complaints to present to the Council. He then asks if the Council wanted to discuss the Chapter 124 of the Public Acts of 2009.

Judge Craft asked what the Council had to do to change the Rule to comply with the public chapter.

Attorney Chick stated the Council would have to have a rulemaking hearing. He also stated that, prior to beginning the rulemaking process, the Council would need to consider whether the rulemaking would affect small businesses, and Attorney Chick then reviewed the factors contained in TCA 4-5-402.

**MOTION** was made by Dena McCollough and seconded by Judge J. Klyne Lauderback that the Council has considered the seven (7) factors of the proposed rule changes would have on small businesses and there appears to be no negative effect on small businesses.

**MOTION CARRIED**

**MOTION** was made by Judge J. Klyne Lauderback and seconded by Judy Harvey for Attorney Chick to initiate the Rule Making process to change the language of Rule 1177-1-.06(1)(a) and (b) to be consistent with Public Chapter 124.

**MOTION CARRIED**

### **NEW BUSINESS**

There was no new business to discuss.

**MOTION** was made by Dena McCollough and seconded by Judge J. Klyne Lauderbach to adjourn.

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Judge Chris Craft, Chairman

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J. Klyne Lauderback, Vice Chairman